

Under Sheriffs (County Boroughs) (Ireland) Bill.

[AS AMENDED BY STANDING COMMITTEE B.]

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B I L L

[AS AMENDED BY STANDING COMMITTEE B]

TO

Make further provision for the appointment and tenure
of office of Under Sheriff in administrative county
boroughs in Ireland. A.D. 1909.

WHEREAS it is expedient to extend the privileges now
enjoyed by county boroughs in Ireland, and to make
further and better provision for the appointment and tenure of
office of the under sheriffs therein :

5. Be it therefore enacted by the King's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as the Under Short title.
10 Sheriffs in County Boroughs (Ireland) Act, 1909.

2. In this Act, unless the context otherwise requires,— Interpreta-
tion of terms.

The expression "county borough" shall mean any borough
mentioned in the Second Schedule to the Local Govern-
ment (Ireland) Act, 1898;

15 The expression "high sheriff" shall mean the high sheriff
of a county borough;

The expression "under sheriff" shall mean the under
sheriff to the high sheriff of a county borough;

20 The expression "council" shall mean the council of a
county borough;

The expression "town clerk" shall mean the town clerk
or secretary of a county borough council;

The expression "existing under sheriff" shall mean an
under sheriff holding office at the passing of this Act.

[Bill 185.]

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A.D. 1900.

Tenure and
appointment to
office.

3. The under sheriff of a county borough shall (not be appointed as heretofore; the existing under sheriffs of the county boroughs shall, from and after the passing of this Act, enter into and hold their office during good behaviour, and on a vacancy in the office of under sheriff of any county borough the council 5 of such county borough shall, within a period of four weeks after the vacancy elect or choose a fit and proper person duly qualified as in this Act herein-after defined, to execute the said office, and until the office be filled up as in this section provided, it shall be the duty of the high sheriff for the time 10 being to appoint a fit and proper person as defined in this Act to execute the office of under sheriff, who shall discharge the duties until the person selected as provided in this section enters into office.

Powers and
liabilities of
under
sheriffs.

4. Every existing under sheriff, and every person elected 15 or chosen to be under sheriff, under the provisions of this Act shall have, and may exercise, all the like powers, jurisdiction, and authority, and shall be subject to the like obligations, as if he were acting under a delegation from the high sheriff for the time being. 20

Qualifica-
tion.

5. From and after the passing of this Act no person shall be elected or chosen or appointed pursuant to the provisions contained in section four hereof, to execute the office of under sheriff of a county borough, unless at the time of being so elected or chosen or appointed he is qualified as follows (that is to say):— 25

(a) is a barrister-at-law; or

(b) is a solicitor of the Supreme Court of Judicature in Ireland; or

(c) is a person who has actually managed the office of an under sheriff of a county borough for a period of at 30 least five years.

Disqualifica-
tion for mem-
bership of
council.

6. From and after the passing of this Act a person who is an existing under sheriff of a county borough, or a person who shall hereafter be elected or chosen or appointed to be the under sheriff of a county borough, shall not be qualified to be elected 35 or to be a councillor of that county borough during the time he shall so act as under sheriff :

Security and
oath of office.

7. Every existing under sheriff of a county borough shall, on or before the commencement of this Act, and every person who shall hereafter be elected or chosen as under sheriff of any 40

county borough under and by virtue of this Act, shall before entering into the office of such under sheriff, give security for the due discharge of the duties of the office in such sum and in such manner as the Lord Chancellor of Ireland may by order appoint, and shall take the oath now by law required to be taken by under sheriffs.

A.D. 1909.

8. Any existing under sheriff, or any person elected or chosen to fill the office of under sheriff under the provisions of this Act, may retire from such office or may decline to serve without incurring any penalty.

Refusal or resignation of office.

9. Every under sheriff of a county borough may be removed from his said office by the Lord Lieutenant for inability or misbehaviour in the discharge of his duty; and the omission to provide the security required by this Act shall be deemed inability within the meaning of this section.

Removal from office for inability or misbehaviour.

10. Nothing in this Act shall alter or amend the existing law as to the time and manner of the selection, appointment, and entry into office of high sheriffs in the several county boroughs:

Existing procedure for election of high sheriff unaltered. Relief from liability for acts of under sheriff appointed under this Act.

Provided that from and after the coming into operation of this Act the high sheriff of any such county borough shall be relieved from all responsibility for the acts or omissions of the existing under sheriff done or omitted after the coming into operation of this Act, or for the acts or omissions of the person elected or chosen to be his under sheriff by the county borough council as herein-before provided and holding office under the provisions of this Act.

11. The Lord Lieutenant may, by Order in Council, make such adaptations of any enactments relating to the office of sheriff or under sheriff in Ireland as appear to him necessary or expedient for carrying this Act into effect.

Orders in Council.

12. This Act shall come into operation on the first day of January one thousand nine hundred and ten.

Commencement.

Under Sheriffs (County Boroughs) (Ireland).

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B I L L

[AS AMENDED BY STANDING
COMMITTEE B]

To make further provision for the
appointment and tenure of office
of Under Sheriff in administrative
county boroughs in Ireland.

Presented by Mr. Kettle,

supported by

*The Marquess of Hamilton, Mr. Nunnetti,
Mr. Augustine Roche, Mr. Joyce, Mr. Sloan,
Mr. P. J. Power, and Mr. Mooney.*

*Ordered, by The House of Commons, to be Printed,
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[Bill 165.]